

Pinelands Commission

CODE OF ETHICS Adopted April 6, 1990

Public officials including members of the Pinelands Commission and its employees, must avoid conduct which is in violation of the public trust or which creates a reasonable appearance among the public that such trust is being violated. To earn and maintain the trust and confidence of the people it serves, the Pinelands Commission finds it desirable to adopt a Code of Ethics to guide its members and employees and to require disclosure by Commissioners and executive employees of their personal interests affecting the Pinelands.

Therefore, to ensure propriety, to preserve the respect and confidence of the citizens of the state, and to guard against conduct violative of the public trust, the following Code of Ethics is adopted to govern the actions of Commission members and employees. This Code of Ethics is adopted pursuant to An Act for the More Effectual Regulation of the Conduct of State officers, Employees, Special State Officers and Employees, and Members of the Legislature, N.J.S.A. 52:13D-12 et seq., and the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq.

The requirements of these acts fully apply to all Commissioners and employees. All Commissioners and employees shall familiarize themselves with requirements of these acts and this code.

The rules of conduct in this Code of Ethics are adopted with recognition that under our democratic form of government public officials and employees should be drawn from all of our society, that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officials and employees have a right to private interests of a personal, financial and economic nature; that standards of conduct should separate those conflicts of interest which are unavoidable in a free society from those conflicts of interest which are substantial and material, or which bring government into disrepute.

1. As used in this Code of Ethics, the following terms shall have the following meanings:

(a) "Commissioner" means any member appointed to the Pinelands Commission pursuant to N.J.S.A. 13:18A-5.

- (b) "Employee" means any person employed by the Pinelands Commission, but does not include independent contractors unless specified in a contract.
- (c) "Financial Interest" means (1) the ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10% of the stock in a corporation for profit, or (2) the ownership or control of more than 1% of the profits of a firm, association, or partnership, or more than 1% of the stock of any corporation, which is the holder of, or an applicant for a casino license or in any holding or intermediary company with respect thereto, as defined by the "Casino Control Act," P.L. 1977, c. 110 (C.5:12-1 et seq.), or (3) being a shareholder, associate or professional employee of a professional service corporation regardless of shareholder interest in such a corporation.
- (d) "Substantive Interest" means employment by, holding a policy-making office in, or receiving financial remuneration from any interested firm, association, partnership, corporation, organization or public agency, or membership in or other affiliation with such entities if they are applicants or parties to a contested case before the Commission.
- (e) "Person" means any natural person, association or corporation.
- (f) "Pinelands National Reserve" means that area of the State of New Jersey identified by N.J.S.A. 13:18A-3(i),
- (g) "Quasi judicial" means the functions of the Commission related to reviewing and taking action upon applications, including applications for certification, submitted pursuant to the Comprehensive Management Plan, or other matters in which the Commission acts and which may be subject to a contested case hearing.
- (h) "Quasi legislative" means the functions of the Commission related to the preparation and adoption of the Comprehensive Management Plan and amendments thereto, and adoption of other general policies and guidelines.

2. General Standards

The Code of Ethics of the Pinelands Commission addresses the following general standards and those stated on page 1 for the conduct of members and employees of the Commission.

- (a) No Commissioner or employee of the Commission shall have any interest, financial, substantive, or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.
- (b) No Commissioner or employee of the Commission shall engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without promptly billing notice of each activity with the Executive Commission on Ethical Standards.
- (c) No Commissioner or employee of the Commission shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.
- (d) No Commissioner or employee of the Commission shall act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.
- (e) No Commissioner or employee of the Commission shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.
- (f) No Commissioner or employee of the Commission shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, favor, service or other thing of value was given or offered for the purpose of influencing him in the discharge of his official duties, and none shall be accepted from any representative of, or an applicant before the Commission where a Commissioner or employee may review or take action on any matter affecting the applicant or his representative.

3. Specific Provisions

- (a) No Commissioner or employee of the Commission, nor any partnership, firm or corporation in which he has a financial interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending

before the Commission. Nothing herein shall be deemed to prohibit any such Commissioner or employee, partnership, firm or corporation from appearing on his or its own behalf regarding an application for development.

- (b) No employee of the Commission, nor any partnership, firm or corporation in which he has a financial interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency. Nothing herein shall be deemed to prohibit any such employee, partnership, firm or corporation from appearing on his or its own behalf.
- (c) Nothing contained in 3 (b) shall be deemed to prohibit any employee of the Commission from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding:
 - (1) Pending before any court of record of this State,
 - (a) In regard to a claim for compensation arising under Chapter 15 of Title 34 of the Revised statutes (Worker's Compensation),
 - (3) In connection with the determination or review of transfer inheritance or estate taxes,
 - (4) In connection with the filing of corporate or other documents in the office of the Secretary of State,
 - (5) Before the Division on Civil Rights or any successor thereof,
 - (6) Before the New Jersey State Board of Mediation or any successor thereof,
 - (7) Before the New Jersey Public Employment Relations Commission or any successor thereof,
 - (8) Before the Unsatisfied Claim and Judgment Fund Board or any successor thereof solely for the purpose of filing a notice of intention pursuant to P.L. 1952, c. 174, Section 5 (c. 39:6-65).

- (d) No Commissioner or employee of the Commission, subsequent to the termination of his office or employment, shall represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, or agree to represent whether by himself or through any partnership, firm or corporation in which he has an interest or through any partner, office, or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such Commissioner or employee shall have made any investigation, rendered any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his office or employment.
- (e) No Commissioner or employee of the Commission shall knowingly himself, or by his partners or through any corporation in which he owns or controls more than 1% of the stock, or by any other person for his use and benefit or on his account, undertake or execute in whole or in part, any contract, agreement, sale or purchase, made, entered into, awarded or granted by the Pinelands Commission.
- (f) No employee of the Commission shall knowingly himself, or by his partners or through any corporation in which he owns or controls more than 1% of the stock, or by any other person for his use and benefit or on his account, undertake or execute in whole or in part, any contract, agreement, sale or purchase of the value of \$25 or more made, entered into, awarded or granted by any other State agency.

The provisions of section 3(f) shall not apply to (a) Purchases, contracts, agreements or sales which (1) are made or let after public notice and competitive bidding or which (2), pursuant to section 5 of Chapter 48 of the laws of 1944 (C. 52:34-10) or such other similar provisions contained in the public bidding laws or regulations applicable to other State agencies, may be made, negotiated or awarded without public advertising or bids, or (b) any contract of insurance entered into by the Director of the Division of Purchase and Property pursuant to section 10 of Article 6 of Chapter 112 of the laws of 1944 (c. 52:27B-62), if such purchases contracts or agreements, including change orders and amendments thereto, shall receive prior approval of the Executive Commission on Ethical Standards if an employee of the Pinelands Commission has an interest therein.

4. Provisions Relating to the Commission's Quasi Legislative Functions

- (a) No Commissioner or employee of the Commission shall participate in or take any official action on any matter in which he has a direct or indirect financial interest; provided, however, that the ownership of, or tenancy in, one's own private residence shall not be considered a financial interest for the purposes of this section; and provided further, however, that nothing in this section shall be construed so as to prohibit any such Commissioner or employee from participating in the preparation and approval of the Comprehensive Management Plan.
- (b) No Commissioner or employee shall participate or take any official action on any matter which is the subject of an amendment to the Comprehensive Management Plan in which he has a direct or indirect financial interest; provided, however, that nothing in this section shall be construed to prohibit any such Commission or employee from participating in the preparation of other amendments, and the approval or denial of a series of amendments which include one or more in which a direct or indirect financial interest exists when such amendments are adopted by a single resolution of the Commission where the Commissioner or employee has disclosed in writing to the Chairman his direct or indirect financial interest in any amendments that are included.

5. Provisions Relating to the Commission's Quasi Judicial Functions

- (a) No Commissioner or employee of the Commission shall participate in or take action on any application in any matter in which he has a direct or indirect financial or substantive interest or which otherwise constitutes a conflict of interest or any reasonable appearance thereof, and shall make the conflict of interest a matter of public record prior to any discussion or immediately upon the realization that a conflict of interest exists.
- (b) No Commissioner who has participated in any discussion of substance about any specific application or proposed application with any person including an applicant or the representative of an applicant outside of formal Commission debate, shall participate in any discussion or action by the Commission and its

employees affecting said application. A Commissioner shall make such substantive discussions a matter of public record prior to any discussion or action by the Commission and its employees, or immediately upon the realization that an application was the subject of such substantive discussions with other parties.

Nothing contained in this subsection shall prohibit members of the Commission from discussing any application or proposed application among themselves outside of formal Commission debate, as long as such discussions are consistent with the Open Public Meetings Act and, as long as a member participating in such discussions is not the applicant or has a financial or substantive interest in the application. Nor shall a member of the Commission be prohibited from providing procedural guidance to any member of the public.

- (c) No Commissioner shall advise or otherwise participate substantively in the preparation of documents or other materials which may be submitted as part of an application requiring action by the Commission or its employees unless such advice or participation is as part of an official act of the Commission or a committee thereof.
- (d) No Commissioner shall advise, participate in, undertake any review, or take any action on any matter for any person prior or subsequent to taking action on such matter as a Commissioner unless such advice, review or action is as part of an official act of the Commission or a committee thereof.

6. Provisions Relating to the Employment of Relatives

- (a) No Commissioner or employee of the Commission shall employ, vote for, approve, or cause to be employed his relative as an employee, consultant, or through any contract to provide services to the Commission. Nothing herein, however, shall prohibit a relative of a Commissioner or employee from being employed by the Pinelands Commission.
- (b) No employee shall exercise any supervision over his relative that is an employee of the Commission.

7. Disclosure Statement

- (a) Each Commissioner, the executive director and assistant directors shall on April 15th of each year submit to the Commission through its executive director a Statement of Disclosure on a form that shall be made available by the executive director.
- (b) The statement of Disclosure shall include at a minimum:
 - (1) The name of the Commissioner or employee;
 - (2) Any occupation, trade, business, or profession engaged in within the Pinelands National Reserve by the Commissioner, employee, or spouse of the Commissioner or employee, and any such activities of the Commissioner and employee which are subject to licensing or regulation by the State of New Jersey within or without the Pinelands National Reserve;
 - (3) A list of all real property, whether held in fee or less than fee simple interest, located within the Pinelands National Reserve and held by the Commissioner, employee, or spouse of the Commissioner or employee, or any partnership, firm or corporation in which he has a financial interest, indicating the location and acreage by municipality;
 - (4) A list of the names and addresses of sources of income of the Commissioner and his spouse for the twelve months immediately preceding the statement date. In the event a Commissioner is operating under a sole proprietorship or partnership engaged in retail business, however, activity of trade, name, address and a general description of the nature of such business shall constitute compliance within this section;
 - (5) A list of the names and addresses of all creditors of the Commissioner and his spouse, except that a creditor need not be listed when the amount owed is less than \$2,500;

- (6) A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the Commissioner or his spouse with any firm, business, corporation, association, partnership, or public agency which does business or performs services within the Pinelands National Reserve.
- (c) Each statement shall contain a certification by the Commissioner that he has read the statement, that to the best of his knowledge and belief it is true, correct and complete, and that he has not and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.
- (d) A Commissioner or employee shall amend his disclosure statement upon any change therein.
- (e) Any additional information required to be disclosed by statute or executive order of the Governor shall be incorporated in any disclosure statement and reported.

8. Action Upon Violation of Code of Ethics

- (a) Where the Commission believes that a Commissioner has violated the Code of Ethics adopted herein, it shall by resolution inform the appropriate appointing authority that such alleged violation may be cause for removal after a public hearing by such appointing authority.
- (b) Where the Commission finds that an employee has violated the Code of Ethics adopted herein, it shall determine whether such violation shall be the cause for removal, suspension, or other disciplinary action.
- (c) Notwithstanding the above, no action for removal or discipline shall be taken except upon the referral or with the approval of the Executive commission on Ethical Standards.
- (d) Any Commissioner or employee of the Commission who has been found to violate this Code of Ethics may be subject to fines or penalties as provided by law.

9. Amendments

This Code of Ethics may be amended upon written request of any member of the Commission delivered at least two weeks prior to a Commission meeting by a majority vote of the Commission. Such amendments shall be submitted to the Attorney General for review and to the Executive Commission on Ethical Standards for approval. No amendment shall take effect until approved by the Executive Commission on Ethical Standards.